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# LETTER DATED 13 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On behalf of the Unified Command established pursuant to Security Council resolution 84 (1950) of 7 July 1950, I have the honour to submit a report of the United Nations Command concerning the status of the Korean Armistice mechanism and the activities of the United Nations Command Military Armistice Commission (see annex). It updates the last report submitted to the Security Council on 23 February 1995 (S/1995/156, annex).

I request that the present letter, together with the enclosed report of the United Nations Command, be circulated as a document of the Security Council.

(Signed) Madeleine K. ALBRIGHT

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Annex

Report of the activities of the United Nations Command for 1995

## I. UNITED NATIONS COMMAND AND ITS MISSION

1. United Nations Security Council resolution 82 (1950) of 25 June 1950 determined that the armed attack upon the Republic of Korea (ROK) by forces of the Democratic People's Republic of Korea (DPRK) constituted a breach of the peace and called for an immediate cessation of hostilities. It further called upon the authorities of the DPRK to recall forthwith their armed forces to North Korea. In its resolution 83 (1950) of 27 June 1950, the Council, having noted that the authorities of the DPRK had neither ceased hostilities nor recalled their armed forces north of the 38th parallel, recommended that the Members of the United Nations furnish such assistance to the ROK as would be necessary to repel the armed attack and restore international peace and security in the area. Articles 39 and 42 of the Charter of the United Nations authorize Member States to create international armed forces to combat aggression and restore peace. Based on this authority, Security Council resolution 84 (1950) of 7 July 1950 recommended that all Member States make military forces and other assistance available to a unified command; requested the United States designate a commander for the unified command; and directed the unified command to provide the Security Council with reports, as appropriate, on the course of action taken under the unified command.

(a) While looking at events within the constraints of an annual period does impose some artificiality, the present report provides a synopsis of the events of 1995 and attempts to convey objectively the impact of those events upon the efforts of the United Nations Command (UNC) in maintaining the Korean Armistice Agreement.

(b) The authority granted the UNC by the Security Council also included the authority to negotiate a military armistice to end the fighting on a basis consistent with United Nations objectives and principles. The Commander-in-Chief, United Nations Command (CINCUNC), signed the Korean Armistice Agreement on 27 July 1953 on behalf of all the forces of the 16 participating Member States of the United Nations and those of the ROK, which had also fought under the flag of the United Nations. This Armistice Agreement, a military agreement between the opposing military commanders without a fixed expiration date, was intended to stop the Korean conflict and ensure a complete cessation of hostilities. It created a 4-kilometre wide Demilitarized Zone (DMZ), which ran 151 miles across the entire width of the Korean Peninsula between the combatants. This DMZ, in turn, was further divided 2 kilometres in from each side by a Military Demarcation Line (MDL). Either side was permitted access to its 2-kilometre portion of the DMZ but was expressly prohibited from crossing the MDL.

(c) The Armistice Agreement was intended to make possible a final peaceful settlement and assumes that this end will, in good faith, be pursued. In its resolution 811 (IX) of 11 December 1954, the General Assembly noted paragraph 62

of the Armistice Agreement, which provides that the Agreement "shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides". The Assembly also reaffirmed that the objectives of the United Nations remained the achievement by peaceful means of a unified, independent and democratic Korea and the full restoration of international peace and security in the area. Pursuant to paragraph 17 of the Armistice Agreement, all CINCUNC successors in command are responsible for compliance with, and enforcement of, the terms and provisions of the Armistice Agreement.

(d) Today, the UNC continues to carry out its functions and fulfil its obligations under the mandate of the Armistice Agreement and will continue this mission until a durable peace is achieved through political dialogue by the parties directly concerned with the Korean conflict. Of the original 16 Member States of the United Nations that provided military forces to the UNC during the Korean War, nine nations are represented today. They are Australia, Canada, Colombia, France, New Zealand, the Philippines, Thailand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

## II. ARMISTICE MECHANISM AND PROCEDURES

2. The Armistice Agreement is the only legal regime for maintaining the cease-fire between the opposing military forces in Korea and affects the actions of both sides in the conflict. It must be preserved until a more durable peace is achieved. The Armistice Agreement provisions are military in character and pertain solely to the belligerents in Korea. CINCUNC signed the Armistice Agreement on behalf of all military forces under the unified command and the Supreme Commander of the Korean People's Army (KPA) and the Commander of the Chinese People's Volunteers (CPV) signed the agreement on behalf of the communist forces. It is the responsibility of the opposing military commanders to enforce the cease-fire by all forces in Korea and establish "measures and procedures" to ensure compliance. In this connection, the opposing military commanders must maintain effective communications to preclude possible incidents and de-escalate the situation in the event incidents occur.

### A. Military Armistice Commission

3. The Military Armistice Commission (MAC) was established by the Armistice Agreement "to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement". The MAC was created as a joint organization without a chairman, composed of 10 military members: 5 senior officers from the UNC and 5 senior officers from the KPA/CPV. In accordance with paragraph 20 of the Armistice Agreement, CINCUNC appoints five senior officers, historically drawn from the ROK, the United States, the United Kingdom and other United Nations Member States still represented in the UNC. MAC meetings may be held at the request of either side in the Joint Security Area (JSA), more commonly known as Panmunjom, in the Korean DMZ. On 28 April 1994, however, the KPA MAC Secretary announced the KPA would cease participation in all MAC activities.

(a) The Armistice Agreement of 1953 empowered each side to appoint a Secretary, an Assistant Secretary and other special assistants as required to perform functions in support of the MAC. Under the Armistice Agreement, UNC and KPA/CPV MAC Secretaries are authorized to conduct their own meetings as required, which normally serve as the basic channel of communication between both sides.

(b) The Joint Duty Office (JDO) under the MAC Secretariat, located in the JSA, maintains 24-hour telephone communications between both sides. Until April 1994, the Joint Duty Officers normally also met as required. On 28 April 1994, however, the KPA MAC Secretary delivered a message to the UNC that stated that the KPA had decided to recall all remaining KPA MAC members and MAC staff personnel, to cease participation in MAC activities and no longer to recognize the UNCMAC as a counterpart. Further, the KPA announced its intention to withdraw all support for the Polish delegation to the Neutral Nations Supervisory Commission (NNSC) and its intention to send a "new team" appointed by its Supreme Commander to contact the "US military" to discuss pending military issues, including a new "durable peace ensuring system" to replace the MAC.

(c) On 1 September 1994, the Foreign Ministry of the People's Republic of China (PRC) announced in Beijing it had decided to recall its delegation to the MAC at Panmunjom. This followed the example set earlier in 1994 by the KPA, when it withdrew its delegation. On 15 December 1994, the CPV delegation departed Pyongyang for Beijing. This decision by the KPA/CPV to abandon the provisions of the MAC could lead to an increase in minor incidents with the potential to escalate into a more serious situation.

(d) During a meeting requested by the UNC for 2 March 1995, UNC representatives to the MAC presented the credentials of Colonel Ashton H. Ormes, incoming Secretary for UNCMAC to the KPA (see appendix I). The KPA representatives, however, rejected the credentials.

(e) The MAC is authorized by paragraph 27 of the Armistice Agreement to dispatch joint UNC-KPA/CPV observer teams to investigate reported violations of the Armistice Agreement occurring within the DMZ. The KPA have, however, frustrated this important investigative function by continuously refusing to participate in the investigations proposed by the UNC. They have failed to participate in joint investigations of more than 170 serious incidents in the DMZ since April 1967. However, the UNC continues to dispatch its observer teams into the UNC portion of the DMZ to ensure UNC forces are in compliance with the Armistice Agreement and is prepared to conduct unilateral investigations of alleged armistice violations reported to have occurred in the DMZ. UNC liaison officers from the United Nations Member States still represented in the UNC, namely, Australia, Canada, Colombia, France, the Philippines, Thailand and the United Kingdom - which, in Korea, also represents New Zealand - and the United States, participate together with officers from the ROK Advisory Group in these UNC Special Investigative Team (SIT) activities in the DMZ. In 1995, despite numerous reports from the Korean Central News Agency (KCNA) to the contrary, the DMZ has remained relatively quiet. Notwithstanding, the UNC dispatched its joint observer teams to UNC guard posts within or along the DMZ on 74 occasions

in 1995 to supervise the implementation of the Armistice Agreement provisions pertaining to the DMZ.

B. UNCMAC Senior Member

4. In accordance with paragraph 20 of the Korean Armistice Agreement, CINCUNC appointed Major-General Lee Suk-bok, ROK Army, as the UNCMAC Senior Member (spokesman), effective 22 September 1995. The KPA, however, has repeatedly refused to meet with the Senior Member of the UNC component of the MAC, saying "the South Korean Army is neither a signatory to the Armistice Agreement, nor a member of the UNC and cannot represent the whole armed forces now in South Korea".

(a) This North Korean argument is, however, flawed. CINCUNC signed the Armistice Agreement as Commander of all UNC forces from 16 United Nations Member States and the ROK. Neither individual nations, nor their military forces, are signatories to the Armistice Agreement. During the Armistice negotiations and subsequent to the signing of the Agreement, the KPA/CPV specifically requested that the ROK furnish assurances that its forces would abide by the terms of the Agreement, saying that the Korean Armistice would not work unless the ROK abided by the Agreement. The UNC relayed such assurances to the KPA/CPV.

(b) Today, the ROK provides "DMZ police" throughout the entire UNC (southern) portion of the DMZ to maintain the Armistice. In addition ROK senior military officers have regularly served as MAC members for the past 42 years. The Armistice Agreement neither addresses MAC membership by nationality nor by United Nations affiliation, nor does it give guidelines for designating a Senior Member. Each side has discretionary authority to appoint its members and such appointments are not subject to approval by the other side. Further, the appointment of a ROK general officer as the UNCMAC Senior Member does not transfer CINCUNC's Armistice maintenance responsibilities to either the Government of the Republic of Korea or its armed forces. In addition, as the UNC signatory to the Armistice Agreement, CINCUNC is ultimately responsible for ensuring that all UNC forces comply with its provisions.

(c) Article 5 of the Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation between the South and the North, effective 19 February 1992, stipulates:

> "The two sides (North and South Korea) shall endeavour together to transform the present state of armistice into a solid state of peace between the South and North and shall abide by the present Military Armistice Agreement (27 July 1953) until such a state of peace has been realized."

Thus, the Armistice Agreement between the military commanders remains the only legal regime until it is replaced by a more durable peace between the ROK and DPRK. The Supreme Commander of the KPA has an obligation to respect the terms of the agreement signed in 1953, recognize the UNC Senior Member, send representatives to plenary MAC meetings to discuss Armistice-related issues, to include tension-reduction and confidence-building measures, and help promote

peace and stability on the Korean Peninsula. The joint UNC-KPA/CPV MAC is an integral part of the Korean Armistice Agreement. Although formal plenary MAC meetings have not been held since the 459th MAC meeting on 13 February 1991, the JDO telephone line in Panmunjom can still be used by both sides. However, on 3 October 1995, the KPA representatives at Panmunjom permitted two civilians to cross the MDL in the JSA illegally without prior coordination with the UNC. When the UNC JDO attempted to pass a protest of this major violation of the Armistice Agreement, the KPA duty officer refused to receive the message, stating he was no longer authorized to accept Armistice-related messages. Since that time, the KPA has accepted no further Armistice-related communication from the UNC.

C. Neutral Nations Supervisory Commission

5. The NNSC was established in accordance with paragraph 37 of the Armistice Agreement and was originally composed of four senior officers, two appointed by "neutral nations" nominated by the CINCUNC, namely, Sweden and Switzerland, and two appointed by "neutral nations" nominated by the Supreme Commander of the KPA and the Commander of the CPV, namely, Poland and Czechoslovakia. The term "neutral nations" in the Armistice Agreement is defined as nations whose combatant forces did not participate in the Korean conflict. The NNSC's primary function is to conduct independent inspections and investigations of Armistice Agreement violations outside the DMZ and to report its findings to the MAC.

(a) The DPA/CPV reluctantly agreed to an inspection system proposed by the UNC. They have, however, undermined the NNSC function since the signing of the Armistice Agreement by shipping into North Korea reinforcing modern weapons and equipment, completely bypassing the designated ports of entry in violation of paragraph 13 (d) of the Armistice Agreement.

(b) Since March 1991, the KPA not only suspended MAC plenary sessions and MAC Senior Member-level communications but also suspended its reports to the MAC and NNSC on paragraphs 13 (c) and (d) of the Armistice Agreement, which prohibit the introduction into Korea of reinforcing arms and military personnel.

(c) On 10 April 1993, the DPRK forced the Czech delegation to the NNSC to withdraw from the North following the split of Czechoslovakia into two separate States in January 1993. Further, the KPA pressured the Polish NNSC delegation to initiate withdrawal, terminated protocol contacts and harassed this delegation to make their life difficult.

(d) In November 1994, the DPRK officially informed the Ministry of Foreign Affairs of the Republic of Poland that Poland's nomination as a member of the NNSC had been terminated. On 23 January 1995, the KPA Representative to the Panmunjom Mission visited the Polish delegation to inform the Poles they would have to depart their camp in the DMZ by 28 February 1995. On 8 February the KPA informed the Poles they would no longer be able to travel from the Polish NNSC Camp to Panmunjom and demanded that the Poles prepare a timetable for the movement of their delegation from the DPRK. The NNSC convened an emergency plenary session on 9 February during which the Members unanimously declared the measures announced by the KPA "as a blatant violation of the Armistice

Agreement, paragraphs 13 (g), (h) and (j), which would be viewed negatively in the eyes of the international community". On 28 February, however, the Polish delegation was forced to evacuate their camp at Panmunjom and proceeded to the Polish Embassy in Pyongyang.

(e) In response, CINCUNC wrote directly to Marshal Kim Jong-il, Supreme Commander of the KPA, on 24 February reminding him of his responsibility to uphold the 1953 Armistice Agreement (see appendix II), and to the Commander of the CPV on 20 February (see appendix III), asking the Government of the PRC to protest this illegal act. CINCUNC also wrote to the senior military officers of the 16 Member States of the United Nations that provided military forces to the UNC during the Korean War, asking each to approach their respective Government and protest this illegal act of the KPA through official diplomatic channels. Similarly, the Swiss and Swedish Members of the NNSC protested the unilateral KPA act against the Armistice Agreement in a letter addressed to the KPA Representative, dated 2 March 1995 (see appendix IV). Following disapproval by the Chinese Foreign Ministry of a Polish request to relocate their offices to Beijing, however, the Poles departed Pyongyang on 4 March 1995. On 3 May 1995, the KPA closed the NNSC buildings controlled by the KPA on Conference Row and announced restrictions on the free movement of the remaining NNSC members and UNCMAC personnel across the MDL into the northern part of the neutral JSA.

(f) Throughout 1995, the NNSC - now represented by only two neutral nations in residence: Sweden and Switzerland - held weekly meetings in the JSA at Panmunjom to review and evaluate reports provided by the UNC regarding the number of arriving and departing military personnel. The Polish Member returned to Panmunjom periodically from Warsaw, meeting with the Swiss and Swedish members on 1 and 3 May and again on 1 August 1995.

(g) Although DPRK restrictions have severely curtailed the ability of the NNSC to carry out its mission, the NNSC remains an important part of the Armistice Agreement. The KPA seeks to end the NNSC arrangement as well as the MAC and thus is undermining the basic foundation of the Armistice architecture. These North Korean attempts, contrary to the letter and spirit of the Armistice Agreement, must be opposed by the international community in order to preserve and maintain the existing Armistice until it is replaced by a more durable peace. The UNC has continued to call upon the KPA to nominate a successor for Czechoslovakia and restore support to the Polish Member so that the NNSC may continue to function. The KPA has not responded. Although NNSC activities have been curtailed over the years, the presence of "neutral" representatives provides a stabilizing influence on the activities of the opposing sides. The UNC believes, therefore, that the NNSC continues to be an integral part of the Korean Armistice, and will keep the United Nations Security Council informed of further developments on this issue in future reports.

## D. UNC remains issue

6. The KPA began unilaterally recovering and repatriating UNC Korean War remains to the UNC in 1990. Beginning in August 1992, the MAC Secretaries began a series of discussions on a memorandum of agreement dealing with the humanitarian recovery and repatriation of UNC Korean War remains, which

culminated in the signing of an Agreement on Remains-related Matters on 24 August 1993 (see appendix V). The KPA has since recovered and returned 146 additional sets of UNC Korean War remains in six repatriations from 30 November 1993 to 30 October 1995, bringing the total number of sets returned to the UNC to 209. The Agreement on Remains-related Matters became the foundation for regularizing cooperation on remains recovery operations and organizing the KPA-UNC Remains Working Group, whose mission is to locate, exhume, repatriate and identify the remains of UNC personnel located north of the MDL. Throughout these repatriations, identification of remains has been a significant problem. To date, only 5 of the 209 sets of previously repatriated remains have been positively identified by the US Army Central Identification Laboratory, Hawaii (CILHI). Therefore, on 7 October 1994, the UNC asked the KPA to suspend further unilateral recovery operations until an agreement could be reached on conducting joint UNC-KPA recoveries in North Korea. CILHI has also determined that all of the remains returned to UNC control are human remains. Previous, unsubstantiated reports that have appeared in various media claimed that animal bones were mixed with the human remains. Although there have been occasions when the remains of more than one person were returned by the KPA in the same casket, the reports of animal bones are inaccurate.

## E. Crossings of the Military Demarcation Line

7. Throughout 1995, the UNC deployed UNCMAC Special Investigative Teams (SIT) into the DMZ to monitor armistice compliance and investigate Armistice Agreement violation charges for CINCUNC inside or along the 151-mile southern boundary of the DMZ. Many of those missions were to investigate major violations of the Armistice Agreement such as the series of events beginning on 14 April 1995, when two KPA officers and three soldiers - all armed - crossed the MDL and moved approximately 100 metres into the UNC portion of the DMZ. There they remained for approximately 30 minutes before moving back to the KPA side following verbal warnings from UNC DMZ police over loudspeakers.

(a) On 19 April 1995, the KPA again violated the Armistice when six KPA soldiers - four of whom were armed with automatic weapons - crossed the MDL in the vicinity of Marker 0582 during daylight and walked approximately 500 metres south into the UNC portion of the DMZ, where they remained for over 90 minutes, ignoring loudspeaker warnings and making rude gestures towards UNC DMZ police.

(b) A similar violation occurred yet again on 23 April 1995 when two armed KPA soldiers crossed the MDL in the vicinity of Marker 0578 during daylight, walked approximately 350 metres south into the UNC portion of the DMZ and picked up a leaflet balloon. Despite loudspeaker warnings from UNC DMZ police, the KPA soldiers remained for nearly two hours before returning to the KPA side. Owing to the deployment of the SITs, the UNC was able to gather sufficient evidence to respond effectively to these KPA violations on 19 and 23 April 1995.

(c) Although a less serious violation, on 9 May 1995, a KPA work party consisting of one officer and 18 unarmed soldiers were conducting mine-detection operations during daylight hours when the officer crossed the MDL and walked approximately 40 metres south into the UNC portion of the DMZ. He remained

there for about four minutes and, following loudspeaker warnings by UNC DMZ police, returned to the KPA side.

(d) On 14 and 15 June 1995, KPA soldiers at KPA Guard Post 154 broadcast a message over loudspeakers to UNC DMZ Civil Police manning UNC Guard Post 369 announcing their intent to cut down several trees along the MDL. This was followed on 16 June by a KPA reconnaissance patrol, which came down to MDL Marker 1274. On 17 June, a UNC SIT visited UNC GP 369 to determine, first hand, the position of the trees relative to the MDL. After visually surveying the area from GP 369, the team members concluded the trees were clearly south of the MDL.

(e) On 22 August 1995, one KPA officer and seven soldiers again approached MDL Marker 1274 from the north and removed the marker from its position, an Armistice violation the UNCMAC immediately protested via the UNC JDO at Panmunjom. In response to repeated KPA movement in the area on 4 and 7 September, UNCMAC again deployed a SIT to the area on 13 September. Despite its activity near Marker 1274, the KPA had not attempted to cut down the disputed trees. However, on 16 September one KPA officer and five soldiers again crossed the MDL and emplaced nine wooden stakes in the earth about five metres south of Marker 1274. UNCMAC again protested this Armistice violation, and the KPA returned on 19 September and withdrew the stakes. A follow-up SIT on 25 September entered the DMZ and took Global Positioning System (GPS) readings in the vicinity south of where Marker 1274 had stood. The GPS readings confirmed the earlier UNCMAC assessment: the trees in question were clearly located within the UNC portion of the DMZ.

(f) The UNCMAC SIT deployed again on 17 October 1995 to investigate the circumstances surrounding an alleged KPA infiltration attempt along the Imjin River, south-west of Freedom Bridge. The SIT determined that the armed infiltrator killed by ROK Army personnel had originated from North Korea. Consequently, the UNCMAC Senior Member attempted to protest this major violation with his KPA counterpart, Lieutenant-General Ri Chan Bok. The KPA liaison officers on duty at Panmunjom, however, refused to receive the UNC protest.

8. Panmunjom has also been the site of several events that have either increased or helped reduce tensions between the UNC and KPA.

(a) On 20 and 22 February 1995, in a show of force following the KPA declaration of its intent to withdraw support to the Polish Member of the NNSC, the KPA temporarily reinforced the JSA with a platoon-sized element armed with automatic weapons and indirect fire assets, all in direct violation of the Armistice Agreement. The Agreement specifies that each side may have no more than 5 officers and 30 enlisted personnel in the JSA at any time to provide security. The arms permitted these personnel are limited to one pistol or one single-shot rifle per person. UNC Security Force personnel observed approximately 80 KPA guards in the JSA on both occasions. Rather than the usual pistols and soft caps, many were equipped with load-bearing equipment and helmets and were carrying automatic rifles, mortars and anti-tank weapons.

(b) On 16 April 1995, the KPA permitted two civilians to cross the MDL illegally from the north into the UNC portion of the DMZ without first advising

the UNC, a major violation of the Armistice Agreement. These civilians, both citizens of the ROK, had originally travelled to the north via a third country. This unilateral KPA action unnecessarily raised tensions in the DMZ.

(c) On 5 July 1995, the KPA again temporarily reinforced its portion of the JSA with a platoon-sized element, a major violation of the Armistice Agreement.

(d) On 31 July 1995, the KPA permitted another civilian to cross the MDL from the north, again a major violation.

(e) On 15 August 1995, the KPA permitted a large demonstration, conducted by an estimated 1,000 people in civilian attire, to be held in the JSA despite its original formation as a military conference site. Although the demonstration was peaceful, remained north of the MDL and concluded without incident, the KPA deployed additional guards with sidearms in excess of the 35 allowed under the terms of the Armistice Agreement to control these demonstrators.

(f) On 23 August 1995, the UNC returned the remains of a deceased KPA soldier, an apparent drowning victim, to KPA control. The remains had been recovered in or along river banks south of the MDL by UNC forces following unusually heavy rains that caused severe flooding in the north.

(g) On 1 September 1995, the UNC returned the remains of three additional KPA soldiers, also apparent drowning victims, to KPA control.

(h) On 7 September 1995, the UNC returned the remains of a fifth drowned KPA soldier to KPA control.

(i) On 3 October 1995, the KPA unilaterally permitted two students to cross the MDL from the north, again a major violation. When the UNC attempted to protest this violation, as permitted under the terms of the Armistice Agreement, the KPA officers on duty at Panmunjom refused to accept the communication from the UNC JDO.

(j) On 30 October 1995, the KPA returned a set of human remains, believed by the KPA to be those of a British soldier killed during the Korean War, to UNC control.

(k) On 26 December 1995, the KPA repatriated five living members and the remains of three deceased members of the crew of the 86 Woosung-Ho, a fishing boat from the ROK seized by naval forces of the DPRK at sea on 30 May 1995.

## III. SOUTH-NORTH RELATIONS

9. While the UNC is not directly involved in the South-North dialogue or negotiations, it has provided administrative assistance and security for these talks and other contacts held in the Joint Security Area, Panmunjom. The simultaneous entry of the ROK and DPRK into the United Nations in September 1991 affected neither the status nor the role of the UNC. The UNC continues to

perform an important peace enforcement role in Korea, particularly in maintaining the Armistice until an effective and enduring peace is attained through political dialogue.

## IV. CONCLUSIONS

10. The maintenance of timely and effective communications between the Commanders of the opposing military forces is vital to preclude possible incidents and defuse the situation in the event incidents occur, thereby preventing the resumption of hostilities. All parties to the Korean Armistice Agreement (the UNC, KPA and CPV) have played a role in this vital activity for more than 42 years. To continue this vital mission until a more durable peace is attained, both sides must fully cooperate to preserve the existing means of communication through the Armistice mechanism - the MAC, which is an integral part of the Armistice. The UNC will continue its efforts to implement the Armistice Agreement and thereby contribute to a stable environment conducive to South-North dialogue and the ultimate goal of a durable peace on the Korean Peninsula.

## Appendix I

### Credentials dated 1 March 1995 of the incoming Secretary of the United Nations Command Military Armistice Commission

Colonel Ashton H. Ormes, United States Army, is hereby accredited as Secretary of the United Nations Command component of the Military Armistice Commission replacing Colonel Mark R. Shoemaker, United States Army, effective this date.

(Signed) Gary E. LUCK
General, U.S. Army
Commander-in-Chief

## Appendix II

### Letter dated 24 February 1995 from the Commander-in-Chief of the United Nations Command to the Supreme Commander of Korean People's Army

I am deeply concerned by the recent actions taken by your personnel against the Polish NNSC delegation in Panmunjom. I have not agreed to any changes in the NNSC as is required by the terms of the Armistice Agreement. Such pressure represents a serious breach of your obligations under the 1953 Armistice Agreement.

As successors to the original Armistice signatories, you and I share an important responsibility to uphold the Armistice until it is expressly replaced by a peaceful settlement at a political level. I take this responsibility very seriously. I hope you do likewise.

Today, people of the peninsula and around the world are hopeful for lasting peace in Korea through North-South reconciliation. Recent actions by your personnel against the Polish officers only disrupt that process, and call into question your side's commitment to creating the atmosphere for such progress.

I respectfully request that you investigate this issue and order that full support be restored to the Polish NNSC delegation.

(Signed) Gary E. LUCK
General, U.S. Army
Commander-in-Chief

## Appendix III

### Letter dated 20 February 1995 from the Commander-in-Chief of the United Nations Command to the Commander of the Chinese People's Volunteers

The world is well aware of the important contribution the Chinese People's Volunteers has made in maintaining the Korean Armistice Agreement during the past 42 years. This agreement, built on the blood of soldiers from both sides, has maintained stability and facilitated peace on the Korean Peninsula.

The United Nations Command considers the Neutral Nations Supervisory Commission an integral part of the Korean Armistice system and fully supports its continued maintenance. The Korean People's Army, however, has undertaken steps to remove the Neutral Nations Supervisory Commission from Panmunjom in an effort to dismantle the Armistice Agreement. This began with the expulsion of the Czechoslovakian delegation in 1993. More recently, the Korean People's Army has threatened to stop support to the Polish delegation in order to force its withdrawal, as well.

The Korean People's Army has committed these actions in clear violation of the Korean Armistice Agreement. The United Nations Command has vigorously protested this unilateral action directly to the Korean People's Army, describing it as an effort to destabilize the situation on the Korean Peninsula and in East Asia.

The military representatives of the United Nations Command member nations are requesting their Governments to protest this illegal act of the Korean People's Army through official diplomatic channels.

You and I, as the successors to the original signatories of the Korean Armistice Agreement, have a continuing obligation to the maintenance of the Agreement. Therefore, I request that you urge the Government of the People's Republic of China to protest the Korean People's Army's actions against the Polish delegation to the Government of the Democratic People's Republic of Korea.

All the nations having interest in peace on the Korean Peninsula are best served by the maintenance of the Korean Armistice Agreement until properly amended or replaced by a permanent peace agreement between the Republic of Korea and the Democratic People's Republic of Korea.

I look forward to receiving your thoughts on this very serious matter.

(Signed) Gary E. LUCK
General, U.S. Army
Commander-in-Chief

## Appendix IV

### Letter dated 2 March 1995 from the Neutral Nations Supervisory Commission to the Representative of the Korean People's Army

We, the Swedish and Swiss Members to the Neutral Nations Supervisory Commission, note with great concern that the Korean People's Army has made true its threat to expel the Polish Delegation to the NNSC from its camp in the Demilitarized Zone on 28 February 1995.

This unilateral action constitutes a gross violation of the Korean Armistice Agreement we vigorously protest. It stands against the letter and the spirit of the Armistice Agreement, recognized by the international community as the legal binding instrument to preserve stability on the Korean Peninsula until it will be replaced - hopefully in the near future - by a peaceful settlement agreed upon by all sides involved. Therefore, regardless of further participation of the Polish Delegation to the NNSC, the Swedish and the Swiss Delegations will remain firmly committed by the mandate entrusted to us by the signatories of the Armistice Agreement. Any change of or end to the mandate has to be mutually agreed according to paragraph 61 of the Armistice Agreement.

Finally, we should like to express our disappointment that our Delegations were not even given the opportunity to bid farewell to our Polish colleagues, which stands against all rules of human dignity and respect.

(Signed) Karl G. WIDEN
Major-General
Swedish Member

(Signed) Peter SUTTER
Major-General
Swiss Member

## Appendix V

### Agreement dated 24 August 1993 on Remains-related Matters

The Korean People's Army (KPA) and the United Nations Command (UNC) recognize the importance, for humanitarian reasons, of full and regular cooperation for the recovery, repatriation and identification of UNC war remains located north of the Military Demarcation Line (MDL). Therefore, both sides agree as follows:

1. Both sides shall cooperate with each other in locating, exhuming, repatriating and identifying the remains of UNC personnel located north of the MDL.

2. The KPA will search for and exhume the remains of UNC soldiers buried north of the MDL and repatriate those remains to the UNC.

3. The UNC will render support, as necessary, to aid the KPA's search, exhumation and repatriation efforts.

4. Both sides agree to actively exploit all available information in the search, exhumation and repatriation effort. Both sides will exercise the necessary scientific care in exhuming, repatriating and handling remains to ensure a reasonable chance of identification.

5. To achieve the objectives of this agreement, both sides agree to form a working group to exchange information and coordinate remains recovery, repatriation and identification efforts. This working group will be chaired by O-6 [= colonel] representatives from each side and will consist of seven regular members from each side. Technical specialists and observers can participate in working group activities as required by each side. Each side will determine its own working group membership, specialists and observers. Working group operating procedures will be determined jointly by the chairmen of each side.

6. Both sides will continually assess the progress made towards achieving the objectives of this agreement. If significant progress is not being achieved, both sides will consider additional measures to enhance the effectiveness of this agreement.

7. This agreement will become effective upon its signing by both sides. The working group established by this agreement will begin operation within 30 days of the effective date.

(Signed) Nels RUNNING
Major-General, USAF
UNC Representative

(Signed) LI Dok Kyu
Major-Genera, KPA
KPA Representative

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Appendix VI

Pertinent Armistice Agreement provisions

## ARTICLE II

### Concrete Arrangements For Cease-Fire And Armistice

### A. GENERAL

Paragraph 12: The Commanders of the opposing sides shall order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control, including all units and personnel of the ground, naval, and air forces, effective twelve (12) hours after this Armistice Agreement is signed. (See paragraph 63 hereof for the effective date and hour of the remaining provisions of this Armistice Agreement.)

Paragraph 13d: Cease the introduction into Korea of reinforcing combat aircraft, armored vehicles, weapons, and ammunition; provided, however, that combat aircraft, armored vehicles, weapons, and ammunition which are destroyed, damaged, worn out, or used up during the period of the armistice may be replaced on the basis of piece-for-piece of the same effectiveness and the same type. Such combat aircraft, armored vehicles, weapons, and ammunition shall be introduced into Korea only through the ports of entry enumerated in Paragraph 43 hereof. In order to justify the requirement for combat aircraft, armored vehicles, weapons, and ammunition to be introduced into Korea for replacement purposes, reports concerning every incoming shipment of these items shall be made to the Military Armistice Commission and the Neutral Nations Supervisory Commission; such reports shall include statements regarding the disposition of the items being replaced. Items to be replaced which are removed from Korea shall be removed only through the ports of entry enumerated in Paragraph 43 hereof. The Neutral Nations Supervisory Commission, through its Neutral Nations Inspection Teams, shall conduct supervision and inspection of the replacement of combat aircraft, armored vehicles, weapons, and ammunition authorized above, at the ports of entry enumerated in Paragraph 43 hereof.

Paragraph 14: This Armistice Agreement shall apply to all opposing ground forces under the military control of either side, which ground forces shall respect the demilitarized zone and the area of Korea under the military control of the opposing side.

Paragraph 15: This Armistice Agreement shall apply to all opposing naval forces, which naval forces shall respect the waters contiguous to the Demilitarized Zone and to the land area of Korea under the military control of the opposing side, and shall not engage in blockade of any kind of Korea.

Paragraph 16: This Armistice Agreement shall apply to all opposing air forces, which air forces shall respect the air space over the Demilitarized Zone and over the area of Korea under the military control of the opposing side, and over the waters contiguous to both

Paragraph 17: Responsibility for compliance with and enforcement of the terms and provisions of this Armistice Agreement is that of the signatories hereto and their successors in command. The Commanders of the opposing sides shall establish within their respective commands all measures and procedures necessary to ensure complete compliance with all of the provisions hereof by all elements of their commands. They shall actively cooperate with one another and with the Military Armistice Commission and the Neutral Nations Supervisory Commission in requiring observance of both the letter and the spirit of all of the provisions of this Armistice Agreement.

## B. MILITARY ARMISTICE COMMISSION

### 1. COMPOSITION

Paragraph 19: A Military Armistice Commission is hereby established.

Paragraph 20: The Military Armistice Commission shall be composed of ten (10) senior officers, five (5) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and five (5) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Of the ten members, three (3) from each side shall be of general or flag rank. The two (2) remaining members on each side may be major generals, brigadier generals, colonels, or their equivalents.

Paragraph 22: The Military Armistice Commission shall be provided with the necessary administrative personnel to establish a Secretariat charged with assisting the Commission by performing record-keeping, secretarial, interpreting, and such other functions as the Commission may assign to it. Each side shall appoint to the Secretariat a Secretary and an Assistant Secretary and such clerical and specialized personnel as required by the Secretariat. Records shall be kept in English, Korean, and Chinese, all of which shall be equally authentic.

Paragraph 24: The general mission of the Military Armistice Commission shall be to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement.

Paragraph 25: The Military Armistice Commission shall:

a. Locate its headquarters in the vicinity of PANMUNJOM (37 57' 29"N, 126 40'00"E). The Military Armistice Commission may re-locate its headquarters at another point within the Demilitarized Zone by agreement of the senior members of both sides on the Commission.

b. Operate as a joint organization without a chairman.

c. Adopt such rules of procedure as it may, from time to time, deem necessary.

d. Supervise the carrying out of the provisions of this Armistice Agreement pertaining to the Demilitarized Zone and to the Han River Estuary.

e. Direct the operations of the Joint Observer Teams.

f. Settle through negotiations any violations of this Armistice Agreement.

g. Transmit immediately to the Commanders of the opposing sides all reports of investigations of violations of this Armistice Agreement and all other reports and records of proceedings received from the Neutral Nations Supervisory Commission.

h. Give general supervision and direction to the activities of the Committee for Repatriation of Prisoners of War and the Committee for Assisting the Return of Displaced Civilians, hereinafter established.

i. Act as an intermediary in transmitting communications between the Commanders of the opposing sides; provided, however, that the foregoing shall not be construed to preclude the Commanders of both sides from communicating with each other by any other means which they may desire to employ.

j. Provide credentials and distinctive insignia for its staff and its Joint Observer Teams, and a distinctive marking for all vehicles, aircraft, and vessels, used in the performance of its mission.

Paragraph 26. The mission of the Joint Observer Teams shall be to assist the Military Armistice Commission in supervising the carrying out of the provisions of this Armistice Agreement pertaining to the demilitarized zone and to the Han River Estuary.

Paragraph 27. The Military Armistice Commission, or the senior member of either side thereof, is authorized to dispatch Joint Observer Teams to investigate violations of this Armistice Agreement reported to have occurred in the demilitarized zone or in the Han River Estuary, provided, however, that not more than one half of the Joint Observer Teams which have not been dispatched by the Military Armistice Commission may be dispatched at any one time by the Senior Member of either side on the Commission.

Paragraph 28. The Military Armistice Commission, or the senior member of either side thereof, is authorized to request the Neutral Nations Supervisory Commission to conduct special observations and inspections at places outside the Demilitarized Zone where violations of this Armistice Agreement have been reported to have occurred.

Paragraph 29. When the Military Armistice Commission determines that a violation of this Armistice Agreement has occurred, it shall immediately report such violation to the Commanders of the opposing sides.

Paragraph 30. When the Military Armistice Commission determines that a violation of this Armistice Agreement has been corrected to its satisfaction, it shall so report to the Commanders of the opposing sides.

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Paragraph 31: The Military Armistice Commission shall meet daily. Recesses of not to exceed seven (7) days may be agreed upon by the senior members of both sides; provided, that such recesses may be terminated on twenty-four (24) hour notice by the senior member of either side.

Paragraph 35: The Military Armistice Commission may make recommendations to the Commanders of the opposing sides with respect to amendments or additions to this Armistice Agreement. Such recommended changes should generally be those designed to insure a more effective armistice.

C. NEUTRAL NATIONS SUPERVISORY COMMISSION

Paragraph 37: The Neutral Nations Supervisory Commission shall be composed of four (4) senior officers, two (2) of whom shall be appointed by neutral nations nominated by the Commander-in-Chief, United Nations Command, namely, Sweden and Switzerland, and two (2) of whom shall be appointed by neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, namely, Poland and Czechoslovakia. The term "neutral nations" as herein used is defined as those nations whose combatant forces have not participated in the hostilities in Korea. Members appointed to the Commission may be from the armed forces of the appointing nations. Each member shall designate an alternate member to attend those meetings which for any reason the principal member is unable to attend. Such alternate members shall be of the same nationality as their principals. The Neutral Nations Supervisory Commission may take action whenever the number of members present from the neutral nations nominated by one side is equal to the number of members present from the neutral nations nominated by the other side.

ARTICLE V

MISCELLANEOUS

Paragraph 61: Amendments and additions to this Armistice Agreement must be mutually agreed to by the Commanders of the opposing sides.

Paragraph 62: The articles and paragraphs of this Armistice Agreement shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides.

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